

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED

U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

SEP 28 2007

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

JAMES W. McCORMACK CLERK
By: *R. J. Parker*
DEP CLERK

Plaintiff,

CIVIL ACTION NO.

v.

4 - 07 - CV - 00887 WRW

BFI WASTE SERVICES, LLC
d/b/a ALLIED WASTE SERVICES
of LITTLE ROCK

COMPLAINT

Defendant.

JURY TRIAL DEMAND

NATURE OF THE ACTION

This case assigned to District Judge *Wilson*
and to Magistrate Judge *Kay*

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Sherri Morehead, Dawn Gaddy, and a class of females who were adversely affected by such practices. The Commission alleges that Ms. Morehead, Ms. Gaddy, and other females were denied hire by BFI Waste Services, LLC, d/b/a Allied Waste Services of Little Rock ("Defendant Employer"), because of their sex, female.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42

U.S.C. §§ 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The unlawful employment practices alleged below were and are now being committed within the jurisdiction of the United States District Court for Eastern District of Arkansas, Western Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Employer has continuously been a foreign corporation doing business in the State of Arkansas and the City of Little Rock and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h). Defendant Employer operates bars all across the State of Arkansas.

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this

lawsuit, Sherri Morehead and Dawn Gaddy filed charges with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least January 2006, Defendant Employer has engaged in unlawful employment practices at its Little Rock, Arkansas, location in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2(a).

8. Ms. Morehead attempted to apply as a truck driver with Defendant Employer and was denied the opportunity to submit an application.

9. Ms. Gaddy was permitted to apply as a truck driver with Defendant Employer but was not hired, while male drivers with less qualifications and experience were hired.

10. Other female applicants have been denied the opportunity to apply, and/or have not been hired while males with less qualifications and experience were hired.

11. The effect of the practices complained of in paragraph 7-10 above has been to deprive Ms. Morehead, Ms. Gaddy, and a class of females of equal employment opportunities and otherwise adversely affect their status as an employee and an applicant, because of their sex, female.

13. The unlawful employment practices complained of in

paragraph 7-10 above were, and are, intentional.

14. The unlawful employment practices complained of in paragraph 7-10 above were, and are, done with malice or with reckless indifference to the federally protected rights of Ms. Morehead, Ms. Gaddy, and a class of females.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sex discrimination with regard to hire and any other employment practice which discriminates on the basis of sex, female.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Ms. Morehead, Ms. Gaddy, and a class of females by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to hiring of Ms. Morehead, Ms. Gaddy, and other

qualified females to a truck driving position.

D. Order Defendant Employer to make whole Ms. Morehead, Ms. Gaddy, and a class of females by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7-10 above, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Ms. Morehead, Ms. Gaddy, and a class of females by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7-10 above, including emotional distress, pain and suffering, embarrassment, humiliation and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant Employer to pay Ms. Morehead, Ms. Gaddy, and a class of females punitive damages for its malicious and/or reckless conduct described in paragraph 7-10 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

RONALD S. COOPER
General Counsel

JAMES LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

F. Williams / by WAC

FAYE A. WILLIAMS

Regional Attorney
Tennessee Bar No. 011730

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

1407 Union Avenue, Suite 900
Memphis, Tennessee 38104
(901) 544-0088

WILLIAM A. CASH, JR.
Supervisory Trial Attorney
Arkansas Bar No. 88081

PAMELA B. DIXON
Senior Trial Attorney
Arkansas Bar No. 95085

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

820 Louisiana, Suite 200
Little Rock, AR 72201
Telephone No. (501) 324-5065